

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>REGINALD JOHNSON,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 5:12-CV-97 (MTT)</b>
	)	<b>5:12-CV-107</b>
	)	
<b>CARL HUMPHREY, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**ORDER**

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 172). The Magistrate Judge recommends granting the Defendants' motion to dismiss (Doc. 88) Plaintiff Reginald Johnson's complaint<sup>1</sup> because he failed to exhaust his administrative remedies for his Eighth Amendment claims, and his Fourteenth Amendment procedural due process claim<sup>2</sup> based on being transferred to the Administrative Segregation Unit of the Georgia Diagnostic and Classification Prison fails

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<sup>1</sup> The complaint is filed in *Johnson v. Humphrey*, 5:12-CV-107, at Doc. 1. This case, along with several others, was consolidated with *Gholston v. Humphrey*, 5:12-CV-97, on November 1, 2012. (Doc. 29).

<sup>2</sup> The complaint also alleges the Plaintiff's "property is consistently confiscated for months at a time without any type of hearing." *Johnson*, 5:12-CV-107, Doc. 1 at 7. To the extent the complaint can be read as alleging a separate Fourteenth Amendment claim based on deprivation of personal property, that claim fails because the State of Georgia provides an adequate post-deprivation remedy. See *Johnson v. Owens*, 2014 WL 6620938, at \*3 & n.8 (M.D. Ga.).

to state a claim.<sup>3</sup> The Magistrate Judge further recommends denying the Plaintiff's motion for a temporary restraining order. (Doc. 15). The Plaintiff has not objected to the Recommendation.<sup>4</sup>

The Court has reviewed the Recommendation, and the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Recommendation is **ADOPTED** and made the order of this Court. Accordingly, the Defendants' motion to dismiss (Doc. 88) is **GRANTED** and the Plaintiff's complaint is **DISMISSED without prejudice**. The Plaintiff's motion for a temporary restraining order (Doc. 15) is **DENIED**.

**SO ORDERED**, this 10th day of December, 2014.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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<sup>3</sup> The Magistrate Judge also recommends dismissing the "John/Jane Doe" defendants because the Plaintiff has made no attempt to identify them.

<sup>4</sup> The Magistrate Judge's Report and Recommendation was twice returned as undeliverable. It appears the Plaintiff is no longer incarcerated. Because the Plaintiff has not kept the Court informed of his address change, the Court has no way to communicate with him. In an Order dated November 5, 2012, all Plaintiffs in the consolidated action were informed of their duty to advise the Court of any address change and of their duty to diligently prosecute their complaint. (Doc. 30). The Plaintiff also failed to respond to the Defendants' motion to dismiss his complaint despite a Court Order informing him of the potential consequences of failing to do so. (Doc. 98).